

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5384 of 1991

For Approval and Signature:

Hon'ble MR.JUSTICE R.K.ABICHANDANI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
 5. Whether it is to be circulated to the Civil Judge? : NO

PARMAR NAROTAMBHAI MOHANBHAI

Versus

LIMBDI MUNICIPALITY

Appearance:

MR HA RAICHURA & BN RAVAL for Petitioner - Absent
MS SHIVANG J. SHUKLA for MR YN OZA for Respondent Municipality.
NOTICE SERVED for Respondent No. 2

CORAM : MR.JUSTICE R.K.ABICHANDANI

Date of decision: 29/09/2000

ORAL JUDGEMENT

The petitioner seeks a direction on the respondent Municipality to regularise the services as a

Pumpman.

2. The claim of the petitioner is that he was doing work of a Pumpman when he was appointed by order of appointment for 29 days. He was a daily rated pumpman. However, he was not given benefits which were given to regular pumpman who was paid salary of Rs. 1500 per month. In the prayer clause it is prayed that a direction should be given to the respondent Municipality to regularise services of the petitioner on the basis of doctrine of equal pay for equal work.

3. Municipal services are regulated by Rules and Regulations and when services are regulated by statutory Rules and Regulations, there cannot be any backdoor entries through Court orders for regularising the services dehors such Rules. In the affidavit in reply which has been filed on behalf of the Municipality, it has been stated that the petitioner was a daily wager pumpman. It is denied that he was appointed on 29 days basis and it is asserted that he was never given any order of appointment for 29 days. It is further stated that there is no post vacant in which the petitioner can be appointed as a pumpman. It has been stated in the further affidavit-in-reply that the petitioner was a junior-most daily wager and there were two other daily wager pumpmen who were senior to him. One of the daily wager who was senior to the petitioner (Arvindbhai Dahyabhai Solanki) has in fact approached the Labour Court through the Union by filing Reference No. 117 of 1987 at Rajkot. In this background, it is contended that the petitioner can have no claim for being regularised by seeking an order in this petition.

4. It is evident that the petitioner who was a daily-wager cannot claim any regularisation in Municipal services, which is governed by Rules and Regulations. If any rights of the petitioner as daily-wager recognized under the Industrial law are violated, it will be open for the petitioner to take recourse to an appropriate remedy under the Industrial law. The petitioner has not made out any case of violation of any of his fundamental or legal rights and therefore, there is no warrant for grant of any of the reliefs sought for by the petitioner in this matter. The petition is therefore rejected. Rule is discharged with no order as to costs.

*/Mohandas